

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

In re:

ASHRAFUL M. ISLAM,

Debtor.

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:
: **CHAPTER 13**
:
: **BANKRUPTCY NO. 21-10190-AMC**
:
:

**STIPULATION AND AGREED ORDER GRANTING MONTGOMERY COUNTY TAX
CLAIM BUREAU RELIEF FROM AUTOMATIC STAY**

This Stipulation and Agreed Order (the “Stipulated Order”) entered into this 14th day of March, 2022 is made between Montgomery County Tax Claim Bureau (“MCTCB”) and Ashraful M. Islam (the “Debtor”). In relation thereto, MCTCB and the Debtor (collectively referred to as the “Parties”) stipulate and request the entry of this Stipulated Order as an Order of this Court and represent as follows:

WHEREAS, debtor’s instant bankruptcy case was commenced on January 6, 2021 (the “Petition Date”; and

WHEREAS, on or about September 24, 2020, prior to the Petition Date, the Debtor’s property located at 404 Doylestown Pike, Montgomeryville, PA, Parcel No. 46-00-00811-00-7 (the “Property”) was sold at Upset Sale by MCTCB in order to satisfy unpaid property taxes on the Property for the years 2018, 2019 and 2020; and

WHEREAS, on or about November 16, 2020, the Debtor filed a Petition to Set Aside the Tax Sale in the Court of Common Pleas of Montgomery County captioned Ashraful Islam v. Montgomery County Tax Claim Bureau and indexed at case number 2020-19237 (the “State Court Action”); and

WHEREAS, as of the Petition Date, the automatic stay imposed by the filing of this bankruptcy case operated to stay the State Court Action; and

WHEREAS, on June 16, 2021, MCTCB filed the following secured proofs of claim in the Debtor's bankruptcy case (i) in the amount of \$14,041.44 [Claim No. 4-1] for property taxes on the Debtor's real property located at 409 W. Main Street, Lansdale, PA 19446 covering the years 2019 through 2020 including interest accruing at a statutory rate of nine percent (9%) per annum; and (ii) in the amount of \$10,178.62 [Claim No. 5-1] for property taxes on the Property covering the years 2018 through 2020 including interest accruing at a statutory rate of nine percent (9%) per annum; and

WHEREAS, debtor Ashraful Islam and creditor Montgomery County Tax Claim Bureau are desirous of litigating the State Court Action now, notwithstanding the automatic stay; and

NOW, THEREFORE, THE PARTIES HERETO, INTENDING TO BE LEGALLY BOUND, HEREBY STIPULATE, AGREE AND REQUEST A COURT ORDER AS FOLLOWS:

1. MCTCB and the Debtor are hereby granted relief from the Automatic Stay pursuant to 11 U.S.C. § 362(d) for the limited purpose of permitting the Parties to litigate the State Court Action.

2. Except as set forth above, the Parties retain all of their rights and remedies and preserve all defenses.

3. The Parties hereto each represent and warrant that they have not sold, assigned, transferred, conveyed or otherwise disposed of any claim, demand or cause of action relating to any matter covered herein.

4. This Stipulated Order and the Order Granting Relief shall be binding upon and inure to the benefit of the Parties hereto and their heirs, executors, administrators, predecessors, trustees, successors and assigns.

5. The Parties agree that this Stipulated Order shall be governed by the Bankruptcy Code and the laws of the Commonwealth of Pennsylvania.

6. This Stipulated Order may be executed in one or more counterparts, each of which shall be deemed an original for all purposes, and all of which taken together shall constitute one and the same instrument. The delivery of a telecopy, PDF or facsimile signature by any Party hereto shall have same legally binding effect as the delivery of an original signature.

/s/ _____
MICHAEL VAGNONI
Attorney for Montgomery County Tax
Claim Bureau

/s/ _____
CHARLES W. CAMPBELL
Attorney for Debtor

AND NOW, this ____ day of _____, 2022, this Stipulated Order is hereby approved and entered as an Order by the Bankruptcy Court.

The Honorable Ashely M. Chan
United States Bankruptcy Judge